

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 1, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, December 1, 2003, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members Alfred T. Dowe, Jr., William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----4.

ABSENT: Vice-Mayor C. Nelson Harris and Council Members Beverly T. Fitzpatrick, Jr., and Linda F. Wyatt-----3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Vice-Mayor Harris and Council Members Fitzpatrick and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position, or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Vice-Mayor Harris and Council Members Fitzpatrick and Wyatt were absent.)

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Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Vice-Mayor Harris and Council Members Fitzpatrick and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position, or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Vice-Mayor Harris and Council Members Fitzpatrick and Wyatt were absent.)

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

VIRGINIA MUNICIPAL LEAGUE LEGISLATIVE DAY REGIONAL DINNER: The City Manager advised that Virginia Municipal League Legislative Day will be held on February 12, 2004, in Richmond, Virginia, and inquired as to whether Council would like to participate in a Regional Legislative Day Dinner on the evening of February 12. She explained that the first regional dinner was organized by the City of Roanoke in 2002 and by Roanoke County in 2003.

Discussion:

- **The majority of Council expressed an interest in participating in a regional dinner which would include localities extending into the New River Valley, and would be beneficial toward increasing Roanoke's ties and cooperation with local governments in the New River Valley area.**
- **The upper Roanoke River watershed geography could be used as a basis for the invitation list.**
- **Representatives of jurisdictions represented by the Roanoke Valley-Allegheny Regional Commission and the New River Valley Regional Commission should be invited.**

Council Member Bestpitch, acting as the chief elected officer of the Roanoke Valley Alleghany Regional Commission, and the chief elected official of the New River Valley Regional Commission could co-chair the meeting, which would be limited to those jurisdictions represented in the two regions.

There was discussion in regard to topics of discussion that will be of common interest to all participants; whereupon, the City Manager advised that light passenger rail is a subject of interest to both the Roanoke and the New River Valley Regional Planning Districts; other suggestions include rail passenger, rail freight, a low fare airline, bus service, all of which represent transportation issues that the localities share a common interest.

Council Member Bestpitch advised that the Roanoke Valley's delegation to the General Assembly and Senators should be called upon to provide input in regard to topics of discussion of interest to all of the participating localities, and he would talk with Senator Edwards and Senator-Elect Bell to obtain their suggestions. He stated that in conjunction with the Executive Director of the Roanoke Valley Allegheny Regional Commission, he would also contact his counterpart at the New River Valley Regional Commission to determine the level of interest in participating in the regional dinner on February 12.

(Council Member Wyatt entered the meeting.)

Council/School Board Joint Session:

The City Manager advised that at the Council and School Board retreat on Friday, November 21, 2003, Council requested a more detailed discussion with regard to the stadium turf issue and it was agreed that Council and the School Board would meet jointly on Monday, January 5, 2004, to discuss the matter.

The City Manager referred to a letter addressed to the Superintendent of Schools in which it was noted that when the budget was established for Victory Stadium, natural turf was being considered; since the budget was adopted, significant improvements have taken place in artificial turf; and representatives of the schools athletic organizations and City staff visited nine different locations that are currently using an artificial playing field and heard positive reviews by officials from some facilities that have been in use for as long as seven years. She stated that based upon the support of athletic directors toward artificial turf and given the fact that there is approximately a \$200,000.00 difference, she suggested to the Superintendent of Schools that the school system consider funding the additional \$200,000.00 for artificial turf. She further pointed out that if the schools are interested in funding the additional \$200,000.00, she would suggest to Council that the funds be repaid to the City over a period of time. She noted that the Superintendent of Schools responded that the School Board would reconsider the matter in January 2004, the School Board has questions, not just about artificial turf, but in regard to the scheduling events for the schools, whether or not the schools would be "bumped" if there was a major entertainment event at the stadium, stadium rental issues, and whether or not the playing field would be available for training activities as well as game activities.

There was discussion in regard to the merits of artificial versus natural turf; the practice of charging the school system for use of the stadium, in which one Member of Council stated that he was not aware of a high school sports program anywhere in the United States that does not cost the school system any money; the true cost of Roanoke's education system; using a different (local) facilitator for future Council/School Board retreats; and that there be more open and spontaneous dialogue among Council and the School Board, as opposed to an overly structured agenda format.

The City Manager advised that while the schools may not have a formal contract for use of the stadium, the City has a moral contract with the school system, and would not "bump" a school event from the stadium.

The City Manager further advised that the City could move forward with natural turf, with the understanding that a change order could be considered for "x" period of time with the contractor; and the City has budgeted strictly for natural turf at this point, assuming that negotiations are successful within the budget that has been prepared for this element of the project. She added that the two items that were selected for alternates beyond the base bid for the stadium project include the irrigation system and turf, and all other elements that were bid as alternates have been excluded at this point.

In addition to the stadium turf issue, the City Manager inquired if there are other items that Council would like to discuss at the joint meeting with the School Board on January 4; whereupon, Dr. Cutler suggested consolidating joint operations such as purchasing, human resources, and medical insurance; whereupon, the City Manager advised that if Council and the School Board direct the City and School administrations to work on the issues, some progress could and would be made.

Dr. Cutler inquired if the Members of Council share his interest, in which several Council Members concurred.

Council Member Wyatt suggested that the two administrations start with a topic such as joint purchasing and then move on to other areas of joint cooperation; whereupon, the Director of Finance advised that the City's Finance Department currently provides accounting and payroll operations for the schools at no annual charge.

The City Manager advised that she contacted the School Superintendent to determine if the School Board preferred a different facilitator for the Council/School Board retreat on Friday, November 21, and after polling School Board members, Dr. Harris advised that the School Board was comfortable with using the facilitator who was engaged; it is not an easy task to find local facilitators and staff is not adverse to taking a different approach and suggest that the School Board select the facilitator for the next Council/School Board retreat.

Scheduling of future meetings with the School Board:

It was the consensus of Council to meet with the School Board on the first Monday of each quarter for a joint work session, in addition to the meetings which are held in May with regard to the upcoming fiscal year budget and in December to discuss the proposed City/Schools Legislative Program. It was suggested that the Council/School Board engage in a discussion at the January 5 joint meeting with regard topics of discussion at future work sessions and to prioritize agenda items; and that an equal number of meetings will be held at sites to be selected by the School Board.

The Mayor advised that in the year 2007, the Tidewater area will celebrate the 400th anniversary of Jamestown; inasmuch as the City of Roanoke will celebrate its 125th anniversary in 2007, there have been discussions in regard to local celebrations, such as a 1607 greenway, or a 1607 art project; and State and/or Federal funds may be available for various projects. The Mayor asked that the City be mindful of potential opportunities.

It was pointed out that there might be a way to involve EventZone and Local Colors, etc., in the celebration to plan an activity that recognizes the multi-cultural nature of the indigenous peoples and the early explorers; the possibility of working with the local Hispanic community to plan a activity focusing on the Spanish exploration, or the Monacan Indians at Big Island in Amherst County, or the Indian Interpretation Program at Explore Park, etc.

It was suggested that a local resident, Gary Foutz, a native American Indian, could provide a wealth of information.

BRIEFINGS:

The City Manager advised that prior to adjournment of the Council meeting, she would like to include a third briefing in regard to the First Street Bridge.

Nancy C. Snodgrass, City Planner, presented a briefing on the Zoning Ordinance; i.e.: New Zoning Districts.

She advised that the policy basis for new districts, as contained in Vision 2001-2020, is to ensure compatibility of uses within residential areas, to encourage airport-related uses on properties adjacent to the airport, to maximize use of commercial sites, and to protect the river corridor and open space; and there are four base zoning districts: Institutional, Airport Development, Commercial Large Site, Recreation and Open Space, and One Overlay District (River and Creek Corridors).

She explained that the Institutional (IN) District is necessary to recognize the unique needs of institutional uses, to ensure cohesive development of a site, and to minimize adverse impacts of institutional uses on neighboring residential uses; and the Institutional District is applied to sites of less than five acres, with one permitted use, with permitted uses including day care centers, schools, places of worship and libraries.

The Airport Development District is necessary to address the unique purpose of a specific area to complement the Airport Navigation Overlay District, and the Roanoke Regional Airport Master Plan approved by the Federal Aviation Administration; and the Airport Development District is applied to all properties owned by the Roanoke Regional Airport Commission as delineated by the Master Plan, and to properties adjacent to the airport designated for airport supportive and airport-related uses.

The Commercial Large Site District (CLS) is necessary to provide for regulation different from commercial corridor single-lot development, encourages cohesive development of a site and improved controls to minimize impact on surrounding uses and to lessen environmental impacts; and it is applied to large-scale, auto-dependent uses, accommodates multiple buildings, typically one lot or combination of lots with multiple tenants sharing common parking curb cuts, and access to and from public streets, and uses include shopping centers and large motor vehicle sales and service establishments.

The Recreation and Open Space District (ROS) is necessary to provide added protection for existing open space and parks, to prevent encroachment of incompatible land uses and to provide for limited development within open space; there is no minimum lot size, and permitted uses include active and passive parks, recreational facilities, golf courses and cemeteries.

River and Creek Corridors (RCC) Overlay District is necessary to provide additional protection to the waters of the Roanoke River, to preserve natural vegetation, features and quality of properties along the waterways, and to implement additional environmental best management practices; and the district will supplement base district zoning regulations, designate properties that abut the shorelines to be determined by the adopted zoning map and serves as a riparian buffer requirement.

Ms. Wyatt suggested that development of property around the Roanoke Regional Airport be a topic of discussion at a future joint meeting of Council and the Roanoke County Board of Supervisors. She cautioned that regulations not be so restrictive as to prevent the conduct of business in the area.

Ms. Snodgrass advised that the draft ordinance will be reviewed by the Zoning Ordinance Steering Committee on December 16, 2003; public comment will be invited for approximately three months, the Steering Committee will then work with City Planning staff based on public comments, and it could be late Spring before the document is submitted to Council for consideration.

The Mayor inquired if portions of the proposed new zoning ordinance could be submitted to Council for action sooner than the Spring of 2004; whereupon, staff advised that the proposed regulations work together as a complete package and, if certain portions are acted on separately by the Council, the new ordinance may not be as effective; and much depends on the public comment phase of the process, which could lead to further study by the Steering Committee and staff; and the next meeting of the Steering Committee is critical in terms of determining whether the document is ready for public comment, or if more work remains to be done.

The City Manager introduced a briefing on traffic calming in the Jamison Avenue/Bullitt Avenue area.

Mark Jamison, Traffic Engineer, advised that the Jamison Avenue/Bullitt Avenue corridor is one of the numerous projects included in the Southeast by Design project, which is an effort to revitalize the neighborhood. He stated that Jamison/Bullitt Avenues have developed over the course of years as arterial roadways and carry approximately 29,000 vehicles per day; historically, they are residential neighborhoods, and the proximity of the houses to the street is very much a residential character, but the roadways function as arterial. He added that the stated goal of the project is to slow down the speed of vehicles traveling through the area; the single largest problem identified in the corridor is that it is straight, flat and very easy to drive well over the speed limit; and when the project is complete and speeds have been dropped back, the area will be a much more livable neighborhood. He stated that landscaping is proposed to improve the character of the neighborhood; various measures proposed to slow down the speed are: a splitter which is a landscaped island located essentially in the middle of the roadway that requires the two lanes of traffic to move out and literally drive around the divider; a splitter has been proposed coming in on Bullitt Avenue at Sixth Street and another splitter is proposed coming in from Vinton at Thirteenth Street; and splitters are proposed on either side of Ninth Street to pick up traffic coming up on Ninth Street and into the corridor. He stated that those measures are the signature feature and will introduce the driver to the feeling that they are approaching something new and different; and by virtue of diverting the travel out of a straight traffic path, with the addition of heavily landscaped medians, both a physical and a mental obstruction is provided and tends to force drivers to slow down.

He advised that the second method is a chicane which is an arterial shift; i.e.: the driver would be driving for example on the right side of the roadway where there is parking on the left, as they go through the chicane, they would then transfer over and drive to the left side of the roadway with parking on the right; there are a number of parking bays which allow parking on one side whereby motorists will drive in more narrow travel lanes than currently exist; and the pavement is approximately 30 feet wide and will shift down to about an 11 foot driveway, into a 7 - 8 foot parking lane, which should encourage some of the residents to once again park on the street. He stated that another method to slow down traffic is a choker, which is a feature that would be installed primarily at intersections that narrows the travel lane; there would be some landscaping and trees in the area; the choker narrows the width of the roadway for pedestrians, which decreases the amount of time that a pedestrian is actually in the street while crossing, it allows the driver on the side street to pull farther onto the pavement, which improves visibility down the section of roadway and should improve safety as drivers turn onto the corridor. He stated that the key to making these types of features work is the frequency of the feature; and there are certain features on almost every block to allow for a 300 - 500 foot spacing that will force drivers to make the decision to slow down.

Mr. Jamison presented a conceptual plan which was reviewed at a public involvement meeting by the Southeast by Design Steering Committee and the City Planning Commission. He stated that staff would like to get a general consensus from the Council that it is headed in the right direction, at which time the matter will be turned over to a consultant for completion of final design documents in approximately December 2004, advertise for bids in February/March 2004, and award a construction contract in March/April 2004, with completion anticipated in the summer of 2004.

Question was raised as to whether traffic exiting I-581 across Elm Avenue traveling in the direction of the Town of Vinton has been studied; whereupon, Mr. Jamison advised that the proposal is not intended to impede the flow of traffic, but to slow down traffic; the Elm Avenue Interchange is included in the City's local long range transportation plan and the State's long range transportation plan; and a meeting will be scheduled with the Virginia Department of Transportation to establish the scope of the study.

The City Manager advised that the bigger issue is the Elm Avenue area and the interchange; Council previously authorized funding to study the area, and City staff has been working with VDOT officials on the study. She advised that the proposed traffic calming measures are intended to encourage persons to live in this section of the City, and the proposed measures will make the area more livable, although there continues to be a need to address the Elm Avenue area.

Mr. King called attention to discussions with VDOT officials as a part of the pre allocation hearing in regard to the area where speed builds up from Thirteenth Street to the Vinton boundary line at the point where pedestrians cross the road at Fallon Park up to the Arby's Restaurant; and advised that a traffic signal has been recommended for Dale Avenue and Vernon Street, which will help to break up the flow of traffic; and a median will be installed as a part of the Urban Forestry effort, with landscaping. He added that although the Bullitt/Jamison project does not extend to the Thirteenth Street/Vinton line, improvements could be made through urban forestry efforts and other more direct efforts.

In response to various questions, Mr. Jamison advised that the streets will continue to have the character of two lanes in each direction, adjacent streets are very narrow with parking on both sides, and diverting traffic to other streets does not appear to be a problem.

Concern was also expressed that trees included in the landscaping design could obscure the visibility of motorists in making turns at corners; whereupon, Mr. Jamison advised that a meeting is scheduled with the consultant and the City's Urban Forester to discuss types of landscaping and types of trees to be planted to ensure that trees grow up rather than out and do not block visibility.

The Mayor expressed concern in regard to diverting traffic into other neighborhoods; and the need for an arterial highway to the east and at some point in time it will be necessary to address an arterial highway alternative to Orange Avenue. He stated that the proposal before Council would make the Bullitt/Jamison Corridor area a little safer, but what will be the cost in terms of safety to other alternative roads.

Mr. Jamison advised that nothing is being proposed to be done that will reduce the capacity of the roadway; and once traffic calming measures are installed and constructed, motorists will recognize that there is very little, if any, reduction in travel time. He called attention to the long range plan that includes a list of projects known as "Thirteenth Street projects" which provide for improvements on Tazewell Avenue and Thirteenth Street across the railroad tracks, Campbell and Wise Avenues and measures that are proposed to alleviate some of the problems in those areas; and the long range plan also recognizes the need for another roadway to access the City.

At 11:30 a.m., the Mayor declared the meeting in recess and the Council moved to the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, for a Closed Session on the mid year performance of a Council Appointed Officer.

At 12:15 p.m., the Council meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, for a joint meeting of Council and the Roanoke City School Board, with Mayor Smith and School Board Chair Gloria Manns presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr.-----1.

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Robert Sparrow, Kathy G. Stockburger, David B. Trinkle, Ruth C. Willson and Chair Gloria P. Manns-----6.

ABSENT: School Trustee Melinda J. Payne-----1.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk

Representing the Roanoke City Public Schools: Richard A. Kelley, Assistant Superintendent; and Cindy L. Lee, Clerk, Roanoke City School Board.

OTHERS PRESENT: Senator John S. Edwards, Delegate-Elect William Fralin, Delegate-Elect Onzlee Ware; and Thomas Dick, Legislative Liaison for the City of Roanoke.

The Mayor advised that the purpose of the meeting was to meet with the City's delegation to the Virginia General Assembly to discuss the City's 2004 Legislative Program. He then turned the meeting over to Council Member William D. Bestpitch, Chair, Legislative Committee.

Council Member Bestpitch welcomed Senator Edwards and Delegates-Elect Fralin and Ware to the meeting. He expressed appreciation to the City Attorney and to the City's Legislative Liaison for their work on the City's 2004 Legislative Program.

Thomas Dick, Legislative Liaison, presented an overview of the City's 2004 Legislative Program.

(For full text, see 2004 Legislative Program on file in the City Clerk's Office.)

William Lindsey, School Trustee and a School Board representative to the Legislative Committee, presented the Roanoke City Public School's Legislative Program. He advised that the biggest problem facing public education is the lack of financial support; State funding issues consist primarily of three major areas: the JLARC study of 2001 which indicates that \$535 million is required to meet prevailing practices, \$324 million is needed to meet State Board of Education changes in the Standards of Quality, and rebenchmarking \$525 million for increased costs related to the Standards of Quality.

Mr. Kelley reviewed the following from the Schools 2004-2006 Legislative Program:

- **Priority 1 - Rebenchmark SOQ:** Increase in SOQ costs resulting from: teacher and employee salary raises, inflation in operating costs (supplies, utilities, insurance) and growth in student enrollment. An increase of \$1.5 million in State funds.
- **Priority 2 - SOQ Recommendations:** State Board's SOQ recommendations include full time elementary principals, assistant principals (400 students), three periods weekly of art, music, physical education instruction and two technology positions per 1,000 students, planning period for secondary teachers, additional hour of prevention and remediation for identified students. Increase of \$2.3 million in State funds.
- **Priority 3 - School Construction.** State to fund 55 per cent of school construction costs and the State now funds 20 per cent of school construction costs (\$1.1 million). An Increase of \$3.3 million in State funds.
- **Legislative Outcomes - Accomplish top three school goals as judged by parents and non-parents:** i.e.: provide children with tools to succeed in life, master basic skills, and create well rounded children.

Senator Edwards advised that the Governor has announced a plan to enhance revenue in the range of \$1.2 - \$1.4 billion, which is a slight improvement over current funding and provides additional automatic funding for Medicaid, etc.. He stated that the plan does not address critical needs of transportation, higher education, and numerous other issues and it may be difficult to get the plan through the House of Delegates. He added that the Commonwealth of Virginia is facing a serious fiscal crisis for the third year in a row, and is the worst fiscal crisis that the State has faced since World War II, having cut \$3.8 billion in 2002, another \$2 billion in 2003, or approximately \$6 billion in the last two years, and the State is looking at cutting another approximately \$1.5 billion unless something is done to enhance revenues. He stated that the Governor's plan may not be the perfect plan, but it is a good plan and encouraged local officials to support the plan, or another plan that will enhance revenues, otherwise education funding will be cut. He emphasized that education is, without a doubt, the most important priority in the Commonwealth of Virginia; and

Senator Chichester, Republican Chair of the Senate Finance Committee, may propose a plan that is even more aggressive than the Governor's plan. He spoke in support of and advised that he will continue to work on a plan to dedicate lottery money to a trust fund for school construction needs. He advised that he has enjoyed representing the City of Roanoke in the Senate and looks forward to a continuing good relationship with local officials.

Delegate-Elect Ware advised that he looks forward to the upcoming session of the General Assembly. He stated that in order for the area to be successful, legislative representatives will have to join together to champion those issues that are specific to the Roanoke Valley.

Delegate-Elect Fralin advised that he is excited about the upcoming session of the General Assembly and looks forward to working with Senator Edwards, Delegate Griffith, Senator-Elect Bell and Delegate Elect-Ware. He advised that he and Senator-Elect Bell are currently preparing a bill for the 2004 General Assembly Session that will prohibit the establishment of drug treatment facilities that distribute narcotic medications within one-half mile of a school, which should address the situation in Roanoke County and in Roanoke City; and he also supports the 30 day notification by the State to an affected locality. With regard to the advisory referendum included in the City's Legislative Program, he advised that another study, or another commission, may not be the answer and an advisory referendum is probably an option that should be offered to citizens. He pledged his support to work for the good of the Roanoke Valley and its citizens.

In regard to the proposed methadone clinic on Hershberger Road, the City Manager called attention to numerous inquiries by citizens as to the appropriate person or entity to correspond with; whereupon, it was suggested by Senator Edwards and Delegate-Elect Fralin that citizens should write to the Department of Mental Health, Mental Retardation and Substance Abuse Services, and to representatives of the House of Delegates Education and Health Committee.

There being no further business, at 1:25 p.m., the Mayor declared the meeting in recess, and Council Members reconvened in Closed Session in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, to continue the mid year performance evaluation of a Council Appointed Officer.

At 2:00 p.m., on Monday, December 1, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Paul E. Johnson, Pastor, Williams Memorial Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS: NONE.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

CITY PROPERTY-LEASES: A communication from the City Manager recommending that Council schedule a public hearing for Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to leasing City-owned property located at 1302 Municipal Road, N. W., was before the body.

It was advised that The Hertz Corporation currently leases approximately 87,120 square feet of City-owned land commonly known as 1302 Municipal Road, N. W., for the purpose of operating an automobile rental establishment; the current lease agreement expired on November 30, 2003; The Hertz Corporation wishes to extend the lease for an additional five year period, beginning December 1, 2003 through November 30, 2008; and the proposed agreement would establish an annual rate of \$26,600.04, with an increase of two per cent each year thereafter.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYES: None-----0.

CITY COUNCIL-EASEMENTS-SEWERS AND STORM DRAINS: A communication from the City Manager recommending that Council schedule a public hearing for Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to vacation and dedication of sewer and drainage easements across property located on Wildwood Road, S. W., Official Tax No. 1070605, was before the body.

It was advised that pursuant to provisions of the Code of Virginia, 1950, as amended, the City is required to hold a public hearing on the proposed vacation and dedication of sewer and drainage easements.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET: A communication from the City Manager recommending that the following Calendar of Events for Budget Preparation Activities for Fiscal Year 2004-2005 be adopted:

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|---------------------|--|
| • April 12-16, 2004 | City Manager briefs City Council on recommended budget. |
| • April 15, 2004 | Recommended budget document delivered to City Council Members. |
| • April 19, 2004 | Recommended budget presented to City Council at regularly scheduled meeting. |
| • April 20, 2004 | Advertisements of public hearing on recommended budget and tax rates appear in newspapers. |
| • April 29, 2004 | Public hearings on recommended budget and tax rates. |

****Requires special meeting of City Council**

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| • May 7, 10, 11, 2004 | Budget Study |
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- May 11, 2004 Optional
- May 13, 2004 City Council adopts General Fund, School Fund, Proprietary Fund budgets and an Update to the HUD Consolidated Plan and approves an annual appropriation ordinance.
- **Requires special meeting of City Council

Mr. Dowe moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

COMMITTEES-ARCHITECTURAL REVIEW BOARD: A communication from Kyle G. Ray tendering his resignation as a member of the Architectural Review Board, effective November 14, 2003, was before Council.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

COMMITTEES-SCHOOLS: A communication from Melinda J. Payne tendering her resignation as a Trustee of the Roanoke City School Board, effective December 31, 2003, was before the Council.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

COMMITTEES-LIBRARIES: A report of qualification of Sam G. Oakey, III, as a member of the Roanoke Public Library Board, to fill the unexpired term of Brooke Parrott, deceased, ending June 30, 2006, was before the Council.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REGULAR AGENDA:

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

COMPLAINTS-SCHOOLS: The Reverend William L. Lee addressed Council with regard to issues facing the Roanoke City Public Schools. He advised that the past several months have caused many citizens a great deal of pain because they cannot understand how Roanoke's school system, which has been under the leadership of Dr. E. Wayne Harris for the past ten years, has become to some the worst in the region; and after searching the archives of *The Roanoke Times* for the past ten plus years with regard to articles dealing with Roanoke's schools and its Superintendent, there have been few articles that hinted at anything negative concerning Roanoke's schools or its Superintendent; however, in the past six months, hardly a day passes without the school system and the Superintendent being maligned.

He stated that he would not downplay the concern of parents and citizens over violence in the schools, but some have challenged Council to the point that it has acted as if Roanoke has a crisis, and the usual behavior in crisis is to place the blame on one person or entity; and while it is understood that citizens have concerns, the Roanoke City School system is not in crisis, and concerns can be addressed through a collaborative effort by Council, the School Board and the Superintendent of Schools.

Reverend Lee reviewed the following accomplishments of the Roanoke City School system under the leadership of Superintendent Harris:

- 626 graduates earned over \$2 million in scholarship funds;
- 72 per cent of Roanoke's students are now reading on grade level by third grade;
- 15 of 19 elementary schools improved reading scores during 2002-03;
- International Baccalaureate Program (96 IB Certificates and five IB Diplomas);
- Highly qualified staff (19 National Board Certified Teachers and over 50 per cent of administrators and educators hold advanced degrees);
- Roanoke City School teachers and staff narrowed the achievement gap by six per cent from 1998 to 2003 based on comparisons of the number of Standards of Learning tests passed by black students in relation to white students;
- Standards of Learning Accreditation of the following schools: William Fleming High School, Highland Park Elementary School, Raleigh Court Elementary School, Patrick Henry High School, Crystal Spring Elementary School, Grandin Court Elementary School, Fair View Elementary School, Roanoke Academy of Mathematics and Science, Wasena Elementary School, Woodrow Wilson Middle School, Fishburn Park Elementary School, Breckinridge Middle School, Monterey Elementary School, and Virginia Heights Elementary School.

He stated that early in his tenure, Dr. Harris promised "not to leave any child behind" and advised that working with the School Board, he has kept his promise, and under his leadership academic achievement has been raised and the dropout rate has been lowered.

In closing, Reverend Lee requested that Council publicly state that it acted too hastily when a recent vote of no confidence in Dr. Harris was expressed.

(For full text, see statement on file in the City Clerk's Office.)

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and the following WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission allocating \$406,258.00 for the Adult Program, which serves economically disadvantaged persons; and \$365,200.00 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own in Program Year 2003 (July 1, 2003-June 30, 2004);

The City Manager recommended that Council accept Western Virginia Workforce Development Board Workforce Investment Act funding of \$771,458.00 and appropriate funds to accounts to be established in the Grant Fund by the Director of Finance.

Mr. Dowe offered the following budget ordinance.

(#36552-120103) AN ORDINANCE appropriating funds for the Workforce Investment Act Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36552-120103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36553-120103) A RESOLUTION accepting the Western Virginia Workforce Development Board Workforce Investment Act funding of \$771,458.00 and authorizing the City Manager to execute the requisite documents necessary to accept the funding.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36553-120103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

FEE COMPENDIUM-OUTDOOR DINING: The City Manager submitted a communication advising that on April 1, 2002, Council adopted Ordinance No. 35792-040102 providing for an outdoor dining permit program and amending the Fee Compendium; annual fees per square foot of area approved for outdoor dining were \$6.50 per square foot for the year 2000, \$7.00 per square foot for 2003, and \$8.00 per square foot for 2004; concerns regarding the fee structure limited the interest of applicants in applying for an outdoor dining permit and were addressed when Council reduced the fees to \$3.25 per square foot in Ordinance No.

35943-061702 on June 17, 2002, for calendar year 2002 and the fee was again reduced to \$3.25 by Council for calendar year 2003, pursuant to Ordinance No. 38237-021803; total program revenues for 2003 are \$3,171.00, and, in an effort to again provide an incentive for restaurants to apply for outdoor dining permits, the City administration recommends that the reduced fee of \$3.25 per square foot be continued for calendar year 2004.

The City Manager recommended that Council amend the Fee Compendium so that the fee of \$8.00 per square foot originally proposed for calendar year 2004 is reduced to \$3.25 per square foot for calendar year 2004, with a minimum three-month commitment from the applicant.

Mr. Dowe offered the following ordinance:

(#36554-120103) AN ORDINANCE directing amendment of the Fee Compendium to establish the fee for outdoor dining permits for calendar year 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36554-120103. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

YOUTH-GRANTS: The City Manager submitted a communication advising that the Aggression Replacement Training and Education Program (ARTEP) is an anger control program operated by Sanctuary Crisis Intervention staff; the grant program is designed to increase public safety and to provide accountability among assaultive youth; and the pilot for the program had a 94% success rate and continues to be a valuable addition to the continuum of services available in the treatment of juvenile offenders.

It was further advised that ARTEP provides a less costly alternative than incarceration of juvenile offenders; and the program increases the options available to Juvenile Court Judges by providing intensive supervision, education and rehabilitative treatment services for juvenile offenders who appear before the court on violent offenses.

It was stated that this is the last year in a five-year funding cycle, which has required increasing local responsibility for funding to the current 75%; revenues from JJDP have decreased to 25% of the project total in the fifth year to allow for local assumption of costs; grant funds for the final year will fund a portion of the Relief Counselor(s) salary and fringe benefits and administrative supplies; funding awarded by the State for the current year is \$17,571.50; and this years local match is \$52,714.00 and is provided from funding currently budgeted in the Crisis Intervention Center budget.

The City Manager recommended that Council approve the following actions: adopt a resolution accepting \$17,571.50 in Federal funds from the Department of Criminal Justice Services, Grant #03-D3256JJ02, for Sanctuary's Aggression Replacement Training and Education Program; authorize to the City Manager to execute the required grant acceptance, Request for Funds and any other forms required by the Department of Criminal Justice Services; appropriate funding in the amount of \$17,572.00 to expenditure accounts to be established by the Director of Finance in the Grant Fund; and establish a revenue estimate of \$17,572.00 in funds to be received from the State.

Mr. Cutler offered the following budget ordinance:

(#36555-120103) AN ORDINANCE appropriating funds for the FY04 Sanctuary's Aggression Replacement Training and Education Program Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36555-120103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36556-120103) A RESOLUTION authorizing the acceptance of a Juvenile Justice and Delinquency Prevention Title II Grant from the Department of Criminal Justice Services for the City's Crisis Intervention Center (Sanctuary) Aggression Replacement Training and Education Program; and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36556-120103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

CITY CODE-ANIMALS/INSECTS: The City Manager submitted a communication advising that in fiscal year 2002-2003, Police Department Animal Control Officers responded to 14 calls for service in which dogs were declared to be "dangerous dogs"; the Code of Virginia has been amended to allow a locality to require greater liability insurance coverage for dangerous dogs; the Code of Virginia, Section 3.1-796.93:1.(D).(2)., previously required only \$50,000.00 insurance coverage; however, it now states: "All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner, (of an animal found to be a dangerous dog), has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites"; and the Code of Virginia, Section §3.1-796.93:1.(B). revises definitions of "dangerous" and "vicious" dogs.

It was further advised that amending the Code of the City of Roanoke to increase the required liability insurance coverage from \$50,000.00 to \$100,000.00 and amending the definitions of "dangerous" and "vicious" dogs will increase the level of protection for citizens and is expected to reduce the number of dangerous dogs.

The City Manager recommended that Council adopt an ordinance amending Sections 6-22 and 6-52 (d) of the Code of the City of Roanoke, 1979, as amended, pertaining to dangerous and vicious dogs, revise the definitions of "dangerous dog" and "vicious dog" and increase the liability insurance coverage requirement from \$50,000.00 to \$100,000.00 for owners of an animal found to be a dangerous dog.

Mr. Dowe offered the following ordinance:

(#36557-120103) AN ORDINANCE amending and reordaining Article II, Division I, Section 6-22, Definitions, and Division 3, Section 6-52, Keeping of dangerous dogs; conditions of, Chapter 6, Animals and Fowl, of the Code of the City of Roanoke (1979), as amended, to revise the definitions of "dangerous dog" and "vicious dog" and to increase the minimum amount of liability insurance procured and maintained by the owner of any dangerous dog to not less than \$100,000.00; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36557-120103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of October, 2003.

Council Member Cutler advised that Civic Center revenues appear to be down; whereupon, the City Manager advised that the agreement with Arena Ventures, which is the umbrella organization through which a contract was rendered for the National Basketball Development League, as well as entertainment provided by Clear Channel Communications, called for the two entities to provide 28 and 26 events, respectively; a penalty clause is included in the contract to provide that if Clear Channel does not provide the required number of events; and the City will receive payment for loss of revenue from those events, the check has yet to be received for the current year, therefore, it is not reflected in the numbers. She stated that detailed information will be needed to provide specifics on the shortfall in the number of Civic Center events; occasionally timing differences occur between the report that is provided to the Roanoke Civic Center Commission and the financial report prepared by the Director of Finance and staff is working to bring the reports more in line with each other in a more timely way.

There was discussion in regard to the reason for the failure of Clear Channel Communications to provide less than half of the number of events that were proposed to be held; whereupon, the City Manager advised that generally, events are down nationally; Clear Channel is a major promoter on a national and international

basis, and the City has been told that Clear Channel has delivered more entertainment events at Roanoke's facility than any of the other five communities in which Arena Ventures has a contract.

The Assistant City Manager for Operations advised that in 2002, the Arena Ventures contract produced 13 events out of a required 28, therefore, a substantial penalty was paid to the City based on total attendance; during the first year of the contract, Arena Ventures paid the City a \$105,000.00 penalty and the City is due a \$117,000.00 penalty for the current year.

There being no further discussion, without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COMMITTEES-INDUSTRIES: Mr. Dowe offered the following resolution appointing Linda D. Frith as a Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Directors:

(#36558-120103) A RESOLUTION appointing a new Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Directors.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36558-120103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

CITY TREASURER: Ms. Wyatt offered the following resolution appointing Evelyn W. Powers as City Treasurer for a term commencing upon her qualification and expiring on December 31, 2005:

(#36559-120103) A RESOLUTION appointing Evelyn W. Powers as City Treasurer for a term commencing upon her qualification and expiring on December 31, 2005.

(For full text of Resolution, see Resolution Book No. 68.)

Ms. Wyatt moved the adoption of Resolution No. 36559-120103. The motion was seconded by Mr. Bestpitch.

The Mayor advised that Ms. Powers has served the City of Roanoke well for approximately 22 years, having worked in the Municipal Auditor's Office where she performed her duties in an outstanding manner. He stated that the duties of the Treasurer are somewhat different and deal with management issues, therefore, it would be wise to fill the position with a person who has extensive management experience. He further stated that an individual, whom he referred to as Candidate No. 3, possessed management experience but was not selected by the Council. He advised that he wishes Ms. Powers much success in her new position, but he was elected to vote in the best interests of all citizens, regardless of how popular or unpopular his vote may be, and for that reason he will vote for Candidate No. 3.

Resolution No. 36559-120103 was adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Mayor Smith voted for Candidate No. 3.)

(Council Member Fitzpatrick was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

SCHOOLS-CITY COUNCIL: Council Member Dowe expressed appreciation to The Reverend William L. Lee, other area ministers, members of Loudon Avenue Christian Church, and other persons from the community who took the time from their busy schedules to support not only Reverend Lee, but Dr. E. Wayne Harris, Superintendent of Roanoke City Public Schools. He strongly encouraged Council to prayerfully consider Reverend Lee's request.

(See pages 17 -19.)

COMMITTEES-SCHOOLS: In view of an upcoming vacancy on the Roanoke City School Board on December 31, 2003, due to the resignation of Melinda J. Payne, Mr. Bestpitch moved that applications be received until Friday, December 12, 2003, at 5:00 p.m., in the City Clerk's Office; and that the City Clerk be instructed to advertise the vacancy and to schedule a public hearing for Monday, December 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard in the Council Chamber to receive the views of citizens. The motion was seconded by Mr. Harris and unanimously adopted.

WATER RESOURCES: Council Member Cutler commended City Staff on a complimentary article which was published in a recent issue of *Virginia Town and City Magazine* with regard to the City's Crystal Spring Water Plant.

LIBRARIES: Council Member Cutler called attention to a Letter to the Editor which appeared in the November 28, 2003 edition of *The Roanoke Times* entitled, "Spruce Up Library Plaza", and encouraged the City to pay more attention to the condition of the Main Library which is an important resource for the City of Roanoke.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-CITY COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern that from time to time Council appears to deviate from the printed agenda by acting on reports of the City Manager that are not included on the formal agenda. She stated that this practice prevents the public from being informed and having the opportunity to address the issues; therefore, she asked that the City Manager be instructed to refrain from making changes to the formal agenda.

COMPLAINTS: Ms. Ethel D. Bethel, 35 Patton Avenue, N. E., advised that for several Council meetings, she has addressed the issue of character building. She further advised that history was made when Ms. Brenda Hamilton, a young black woman of tremendous courage and knowledge, was elected as Clerk of the Circuit Court, and Roanokers should pause and give recognition to this historic event. She added that many citizens throughout the Roanoke Valley have stated that when Council issued a vote of no confidence in Dr. E. Wayne Harris, Superintendent of Roanoke City Public Schools, it was an attempt by Council to deflect the City's state of affairs from the City Manager. She advised that at the last Council meeting, the City Manager responded to several issues concerning the proposed stadium, but she failed to respond to the issue of toxic waste and hazardous materials upon which a playing or sitting field will be constructed. She inquired if the City administration is being "penny wise and pound foolish" with the example of the possibility of saving \$300,000.00 on a \$3 million project, when \$300,000.00 has already been spent on a new logo for the City; therefore, where is the overall savings. She stated that citizens want to know the total cost of the proposed

stadium/amphitheater complex. She asked that Council Members give thought to what type of character Council is building and what type of character is being portrayed to Roanoke's children. She further asked that Council give consideration to the effectiveness of Roanoke's School Board under the administration of Dr. Harris.

COMPLAINTS: Mr. Robert E. Gravely, 729 Loudon Avenue, N. W., spoke with regard to unhonored commitments by the City in northwest Roanoke; i.e.: to housing and installation of sewer lines. He stated that Council Members were elected to represent all of the people and not a chosen few, all citizens should be treated equally, measures should be taken to decrease the crime rate in the City of Roanoke, and wages should be sufficient so that the average City worker can afford to purchase a house.

CITY MANAGER COMMENTS:

CITY COUNCIL-DRUGS/SUBSTANCE ABUSE-HEALTH DEPARTMENT-ZONING: The City Manager advised that Council met earlier in the day with the City's representatives to the General Assembly to discuss the City's proposed 2004 Legislative Program, and an item of priority in the legislative program is a request to modify the State Code to provide for future notification of localities when any type of substance abuse or methadone clinic is to be considered in a locality. She stated that the City will provide information on the membership of a health committee representing the House of Delegates and the Senate for the benefit of those persons who would like to express a concern or write letters of support for the amendment; and letters should also be forwarded to the State Department of Mental Health Mental Retardation and Substance Abuse, which is the permitting organization for such facilities.

At 3:15 p.m., the Mayor declared the meeting in recess and advised that the Council meeting would immediately reconvene in the Council's Conference Room for a briefing in the First Street Bridge.

BRIDGES: The City Manager introduced a briefing on the First Street Bridge. She advised that after reviewing certain e-mail correspondence last week, there appeared to be a need to bring the First Street Bridge design back to the Council to determine if there has been a change in direction on the bridge itself. She stated that at the time of the naming of the bridge, which was an action by Council, it was suggested that a committee be appointed to look at how to incorporate within the bridge some type of tribute, or tributes, to Dr. Martin Luther King, Jr., therefore, the Martin Luther King, Jr. Bridge Committee was named. She presented a list containing the names of committee members which includes original committee members and certain stakeholders in the immediate area of the bridge, neighborhood representatives and representatives of the Roanoke Arts Commission. She referred to a discussion by Council on February 3, 2003, at which time it was the consensus of Council that the First Street Bridge would be both a pedestrian and a one-way bridge traveling south into the downtown, which was a different approach

than had previously been discussed, and called for the structure to be a strictly pedestrian bridge. She added that recent e-mails prompted her to bring the matter to the Council's attention once again because there may be either a miscommunication, or a need to clarify communication on what is intended to be the format for bridge repair/replacement. She called upon the City Engineer to review elements of the previous presentation and advised that staff would be pleased to receive additional direction from the Council.

The City Engineer advised that virtually all elements of the First Street Bridge will be replaced; and both of the approach spans will be replaced on either end of the bridge as well as the center span, for the reason that the bridge is over 100 years old and has deteriorated significantly. He stated that the bridge is currently being inspected every six months and has been closed to traffic since 2000; bridge inspections continue to classify the structure in poor condition, with deterioration due to rust and corrosion; the bridge is classified as a fractured critical structure, and the entire bridge could collapse if a single member or rivet were to fail, which creates structural concerns and caused that the bridge to be closed to traffic. He advised that it is the opinion of City staff and the design consultants that it will be more cost effective to replace the center span, construct a new span using conventional girder spacing in the middle and place decorative truss elements on either side which would resemble the old bridge by using the same type of new and modern material. He stated that the question is: What will happen to the old bridge? He advised that the City has been operating under the assumption that the bridge would become the property of the contractor who would be responsible for demolition and another option would be to make the bridge available to an interested party for refurbishment and use; it is unlikely that the bridge could be dismantled because it would have to be cut into three pieces; and staff is open to other options, however, funds have not been budgeted to demolish the structure.

The Mayor advised that if the First Street Bridge could be relied on as a light duty bridge, he would favor leaving it intact and that the structure not be demolished without first attempting to save the bridge because it is the last remaining iron bridge from an era approximately 100 years ago.

The City Manager advised that the bridge is budgeted at \$2.2 million which includes \$275,000.00 for removal of the railroad signals; Norfolk Southern has advised that it has no problem with the City replacing or repairing the bridge, but the cost of removing the signals will be a City expense; and an unknown at this point is the fact that Congressman Goodlatte has submitted legislation requesting \$500,000.00 for the First Street Bridge, but there is no indication as to whether the legislation will be successful. She stated that the minutes of the February 3, 2003 briefing to Council indicate that staff spoke to a new bridge that would closely resemble the existing bridge, but would be of new materials. She referred to a communication which is proposed to be forwarded to Alison Blanton, representing the Roanoke Valley Preservation Foundation; which triggered the present discussion that the bridge structure could be made available to the Preservation Foundation; or to any other interested group. She advised that the City of Roanoke

could not be responsible for the expense of removal and relocating the bridge; whereupon, she requested guidance from Council on how to respond to Ms. Blanton's letter. She stated that City staff has no real preference and wishes to do the bidding of Council; the First Street Bridge is a piece of unfinished business in Roanoke's downtown and there is a need to go about the business of fixing the bridge in whatever manner the Council deems appropriate; and following discussion by Council and the Martin Luther King, Jr. Bridge Committee, City staff is prepared to move forward with bidding on either repair, or replacement, of the First Street Bridge.

Council Member Cutler inquired about costs in connection with using the decorative elements of the bridge, rather than fabricating new elements; whereupon, the City Engineer advised that he would provide Council with a cost estimate.

Council Member Wyatt again stated her preference that the First Street Bridge be used solely as a pedestrian bridge; however, such does not appear to be the desire of the majority of the Council. Therefore, she asked that Council not take the position that the bridge should look exactly like the old bridge and suggested that the Dr. Martin Luther King, Jr. Bridge Committee be given the latitude to recommend a design that may be more viable or pleasing to the community, but is within the realm of \$2.2 million.

The Mayor advised that the First Street Bridge has been out of proportion since it was elevated approximately ten years ago; if the original bridge cannot be saved at its present location, he asked to review the budget before the structure is advertised for bids; and if \$500,000.00 is to be included for ornamentation, the City might be better served by spending the one-half million dollars elsewhere. He added that if the bridge cannot remain in its present state and if metal members cannot be used, every effort should be made for the Preservation Society, or any other interested party, to use the structure.

The City Manager called attention to a similar project that was completed by the State last year and, using that project as a guide, it may be possible to determine the difference in cost to take the structure down, clean, repair and reconstruct the bridge.

She advised that there is no plan to bid the project until after there has been an opportunity for the Martin Luther King, Jr. Naming Committee to address the matter, with the understanding that there may be something in the design itself, whether it be a gateway, or some other feature, that might bear the name of Dr. Martin Luther King, Jr., which could be included in bid documents. She explained that staff is clearly at a point that once the committee has completed its deliberations, the design can be finalized and the project can move forward. She stated that the additional cost estimate will be provided to Council no later than the first meeting in January 2004. She referred to a drawing that was used during the presentation, and asked if the drawing, with deletion of the word "rehabilitation", would be appropriate to present to the Dr. Martin Luther King, Jr. Naming Committee

Following the briefings, the Council reconvened in Closed Session in the Council's Conference Room.

At 4:50 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Fitzpatrick, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Bestpitch, Cutler, and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

(Council Member Wyatt was not in the Council Chamber when the vote was recorded.)

There being no further business, the Mayor declared the meeting adjourned at 4:55 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
